

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:10-CR-356-LDG-(VCF)
)
JEANNIE SUTHERLAND,)
)
Defendant.)

FIRST AMENDED FINAL ORDER OF FORFEITURE

On December 8, 2010, the Grand Jury returned a Three-Count Criminal Superseding Indictment, charging JEANNIE SUTHERLAND in Count One with Conspiracy to Commit Wire Fraud, Mail Fraud, and Bank Fraud in violation of Title 18, United States Code, Sections 1341, 1343, 1344, and 1349; in Counts Two and Three with Bank Fraud in violation of Title 18, United States Code, Section 1344; and alleged forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Criminal Superseding Indictment, ECF No. 60.

On February 2, 2012, defendant JEANNIE SUTHERLAND was found guilty by a jury as to Counts One and Three of the Criminal Superseding Indictment (ECF No. 60). Jury Trial Minutes, ECF No. 286; Jury Verdict Form, ECF No. 287.

On February 9, 2012, the United States District Court for the District of Nevada entered an Order of Forfeiture (ECF No. 294) as to JEANNIE SUTHERLAND, issuing a criminal forfeiture money judgment of \$965,000 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(1) and

(2); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p) based upon the jury verdict finding defendant JEANNIE SUTHERLAND guilty of the criminal offenses. Criminal Superseding Indictment, ECF No. 60; Jury Trial Minutes, ECF No. 286; Jury Verdict Form, ECF No. 287.

On February 16, 2012, this Court rescinded and vacated the Order of Forfeiture (ECF No. 294). Order Rescinding and Vacating Order of Forfeiture, ECF No. 298.

On May 16, 2012, an Amended Order of Forfeiture (ECF No. 330) was entered against JEANNIE SUTHERLAND for \$2,350,350 in United States Currency. Thereafter, the United States recognized a mathematical error and this Court entered a Second Amended Order of Forfeiture (ECF No. 345) correcting the criminal forfeiture money judgment from \$2,350,350 in United States Currency to \$2,341,350 in United States Currency.

On August 28, 2012, the United States District Court for the District of Nevada sentenced JEANNIE SUTHERLAND. Sentencing Minutes, ECF No. 376. On September 4, 2012, this Court entered the sentencing Order of Forfeiture with a criminal forfeiture money judgment of \$2,341,350 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Sentencing Order of Forfeiture, ECF No. 378.

On September 6, 2012, the United States District Court for the District of Nevada entered the Judgment in a Criminal Case on JEANNIE SUTHERLAND with the Sentencing Order of Forfeiture (ECF No. 378) attached. Judgment in a Criminal Case, ECF No. 381.

FIRST SUBSTITUTION - 9405 Shipboard Court, Las Vegas, Nevada 89117

On March 28, 2014, the United States filed a Sealed Ex Parte Motion to File this Motion and the Sealed Ex Parte Motion to Substitute and to Forfeit Property of Jeannie Sutherland under Seal and Order (ECF No. 430) along with the Sealed Ex Parte Motion to Substitute and to Forfeit Property of Jeannie

1 Sutherland (ECF No. 431) to be used towards satisfaction of Sutherland's criminal forfeiture money
2 judgment. On March 31, 2014, the United States District Court for the District of Nevada entered the
3 order granting the United States' motion to seal (ECF No. 433) and the Substitution and Forfeiture Order
4 (ECF No. 434) authorizing the substitution and forfeiture of the real property located at 9405 Shipboard
5 Court, Las Vegas, Nevada 89117 ("property") pursuant to Title 21, United States Code, Section 853(p).
6 The property is more particularly described as follows:

7 Parcel I:

8 Lot One Hundred Twenty-Eight (128), in Block Four (4) of Mission Monterey Unit No. 2, as
9 shown by map thereof on file in Book 40 of Plats, Page 9, in the Office of the County Recorder of Clark
County, Nevada.

10 Parcel II:

11 A non-exclusive easement on and over the "Common Area" as defined in the Declaration of
12 Covenants, Conditions and Restrictions to which reference is hereafter made for access, use, enjoyment,
13 occupancy, ingress and egress of the amenities located hereon subject to the terms and provisions of said
Declaration of Covenants, Conditions and Restrictions recorded January 20, 1987 in Book 870120 of
Official Records, as Document No. 00088.

14 Together with any and all improvements and appurtenances thereon, Assessor's Parcel No. 163-
15 07-813-014.

16 On April 4, 2014, the United States Marshals Service ("USMS") seized, arrested, and took into
17 custody the real property located at 9405 Shipboard Court, Las Vegas, Nevada 89117. Notice of Filing
18 Service of Process, ECF No. 442.

19 On April 8, 2014, the United States of America filed a Motion to Unseal the Sealed Ex Parte
20 Motion to Substitute and to Forfeit Property of Jeannie Sutherland and Order (ECF No. 435) so service
21 of process could be completed. On May 14, 2014, the United States District Court for the District of
22 Nevada entered the order granting the United States' motion (ECF No. 440).

23 On April 8, 2014, the United States of America filed a Motion for an Interlocutory Order of Sale
24 of Property and Order (ECF No. 436). On May 14, 2014, the United States District Court for the
25 District of Nevada entered the order granting the United States' motion (ECF No. 439).

26 . . .

1 This Court finds the United States of America published the notice of forfeiture in accordance
2 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
3 from May 22, 2014, through June 20, 2014, notifying all potential third parties of their right to petition
4 the Court. Notice of Filing Proof of Publication, ECF No. 449.

5 On May 27, 2014, Michael Chen, counsel for Wells Fargo Bank, McCarthy Holthus, LLP,
6 9510 W. Sahara Ave., Ste. 200, Las Vegas, Nevada 89117 was personally served with the United
7 States of America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to
8 Substitute and to Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the
9 Notice. Notice of Filing Supplemental Service of Process - Personal Service, ECF No. 450.

10 On June 19, 2014, Diana Alba, Clark County Clerk, Clark County Board of Commissioners,
11 Commission Division, 500 S. Grand Central Parkway, 1st and 6th Floors, Las Vegas, Nevada 89155
12 was personally served with the United States of America's Motion to File this Motion and the Motion
13 to Substitute under Seal, the Motion to Substitute and to Forfeit Property of Jeannie Sutherland, the
14 Substitution and Forfeiture Order, and the Notice. Notice of Filing Second Supplemental Service of
15 Process - Personal Service, ECF No. 451, p. 2-27.

16 On June 19, 2014, Diana Alba, Clark County Clerk, Commission Division, 500 S. Grand
17 Central Parkway, 1st and 6th Floors, Las Vegas, Nevada 89155 was personally served with the United
18 States of America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to
19 Substitute and to Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the
20 Notice. Notice of Filing Second Supplemental Service of Process - Personal Service, ECF No. 451, p.
21 28-53.

22 On June 19, 2014, Diana Alba, Clark County Clerk, Clark County Water Reclamation District,
23 500 S. Grand Central Parkway, 1st and 6th Floors, Las Vegas, Nevada 89155 was personally served
24 with the United States of America's Motion to File this Motion and the Motion to Substitute under
25 Seal, the Motion to Substitute and to Forfeit Property of Jeannie Sutherland, the Substitution and
26 . . .

1 Forfeiture Order, and the Notice. Notice of Filing Second Supplemental Service of Process - Personal
2 Service, ECF No. 451, p. 54-79.

3 On June 19, 2014, Larry Brown, Chairman, Clark County Water Reclamation District, 5857 E.
4 Flamingo Road, Las Vegas, Nevada 89122 was personally served with the United States of America's
5 Motion to File this Motion and the Motion to Substitute under Seal, the Motion to Substitute and to
6 Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of
7 Filing Second Supplemental Service of Process - Personal Service, ECF No. 451, p. 80-105.

8 On June 19, 2014, Debbie Conway, Clark County Recorder, 500 S. Grand Central Parkway,
9 2nd Floor, Las Vegas, Nevada 89155 was personally served with the United States of America's
10 Motion to File this Motion and the Motion to Substitute under Seal, the Motion to Substitute and to
11 Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of
12 Filing Second Supplemental Service of Process - Personal Service, ECF No. 451, p. 106-131.

13 On June 19, 2014, Michele F. Shafe, Clark County Assessor, 500 S. Grand Central Parkway,
14 2nd Floor, Las Vegas, Nevada 89155 was personally served with the United States of America's
15 Motion to File this Motion and the Motion to Substitute under Seal, the Motion to Substitute and to
16 Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of
17 Filing Second Supplemental Service of Process - Personal Service, ECF No. 451, p. 132-157.

18 On June 18, 2014, Steven B. Wolfson, Clark County District Attorney, 200 Lewis Avenue, Las
19 Vegas, Nevada 89101 was personally served with the United States of America's Motion to File this
20 Motion and the Motion to Substitute under Seal, the Motion to Substitute and to Forfeit Property of
21 Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Second
22 Supplemental Service of Process - Personal Service, ECF No. 451, p. 158-183.

23 On June 19, 2014, Beverly Bridges, City Clerk, City of Las Vegas, 495 S. Main St., Las Vegas,
24 Nevada 89101 was personally served with the United States of America's Motion to File this Motion
25 and the Motion to Substitute under Seal, the Motion to Substitute and to Forfeit Property of Jeannie
26 . . .

1 Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Third Supplemental
2 Service of Process - Personal Service, ECF No. 452, p. 2-27.

3 On June 19, 2014, Beverly Bridges, City Clerk, City of Las Vegas Sewer, 495 S. Main St., Las
4 Vegas, Nevada 89101 was personally served with the United States of America's Motion to File this
5 Motion and the Motion to Substitute under Seal, the Motion to Substitute and to Forfeit Property of
6 Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Third
7 Supplemental Service of Process - Personal Service, ECF No. 452, p. 28-53.

8 On June 19, 2014, Bradford Jerbic, City Attorney, City of Las Vegas, 495 S. Main St., 6th
9 Floor, Las Vegas, Nevada 89101 was personally served with the United States of America's Motion to
10 File this Motion and the Motion to Substitute under Seal, the Motion to Substitute and to Forfeit
11 Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of Filing
12 Third Supplemental Service of Process - Personal Service, ECF No. 452, p. 54-79.

13 On June 19, 2014, John Entsminger, General Manager, Las Vegas Valley Water District, 1001
14 S. Valley View Blvd., Las Vegas, Nevada 89153 was personally served with the United States of
15 America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to
16 Substitute and to Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the
17 Notice. Notice of Filing Third Supplemental Service of Process - Personal Service, ECF No. 452, p.
18 80-105.

19 On June 19, 2014, Mary Beth Scow, President, Las Vegas Valley Water District, 1001 S.
20 Valley View Blvd., Las Vegas, Nevada 89153 was personally served with the United States of
21 America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to
22 Substitute and to Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the
23 Notice. Notice of Filing Third Supplemental Service of Process - Personal Service, ECF No. 452, p.
24 106-131.

25 On June 19, 2014, Gregory J. Walch, General Counsel, Las Vegas Valley Water District, Las
26 Vegas, Nevada 89153 was personally served with the United States of America's Motion to File this

1 Motion and the Motion to Substitute under Seal, the Motion to Substitute and to Forfeit Property of
2 Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Third
3 Supplemental Service of Process - Personal Service, ECF No. 452, p. 132-157.

4 On June 19, 2014, David L. Johnson, General Manager, Southern Nevada Water Authority,
5 1001 S. Valley View Blvd., Las Vegas, Nevada 89153 was personally served with the United States of
6 America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to
7 Substitute and to Forfeit Property of Jeannie Sutherland, the Substitution and Forfeiture Order, and the
8 Notice. Notice of Filing Third Supplemental Service of Process - Personal Service, ECF No. 452, p.
9 158-183.

10 On June 30, 2014, Jeannie Sutherland, Federal Halfway House, 2501 Industrial Road, Las
11 Vegas, Nevada 89102 was personally served with the United States of America's Motion to File this
12 Motion and the Motion to Substitute under Seal, the Motion to Substitute and to Forfeit Property of
13 Jeannie Sutherland, the Substitution and Forfeiture Order, and the Notice. Notice of Filing Fourth
14 Supplemental Service of Process - Personal Service, ECF No. 453.

15 On July 9, 2014, the United States of America filed a proposed Settlement Agreement for
16 Entry of Order of Forfeiture as to Wells Fargo Bank, National Association, and Order (ECF No. 455).
17 On July 10, 2014, the United States District Court for the District of Nevada entered the order granting
18 the settlement agreement (ECF No. 456).

19 This Court finds the United States of America published the notice of forfeiture in accordance
20 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
21 from June 12, 2014, through July 11, 2014, notifying all potential third parties of their right to petition
22 the Court. Notice of Filing Proof of Publication, ECF No. 457.

23 On July 22, 2014, a Petition for Remission or Mitigation of Forfeiture (ECF No. 459) was filed
24 with this Court by Huong Lam, Alessi & Koenig, LLC, counsel for the Section Seven Community
25 Association. On August 19, 2014, the Section Seven Community Association withdrew their Petition
26 for Remission or Mitigation of Forfeiture (ECF No. 463).

1 On August 18, 2014, the United States of America filed a proposed Settlement Agreement for
2 Entry of Order of Forfeiture as to Section Seven Community Association and Order (ECF No. 462).
3 On August 21, 2014, the United States District Court for the District of Nevada entered the order
4 granting the settlement agreement (ECF No. 464).

5 **SECOND SUBSTITUTION - 2003 General Motors Hummer 4 Door Wagon**

6 On June 10, 2014, the United States filed a Sealed Ex Parte Motion to File this Motion and the
7 Second Motion to Substitute and to Forfeit Property of Jeannie Sutherland under Seal and Motion to
8 Unseal and Order (ECF No. 444) along with the Second Sealed Ex Parte Motion to Substitute and to
9 Forfeit Property of Jeannie Sutherland (ECF No. 445) to be used towards satisfaction of Sutherland's
10 criminal forfeiture money judgment. On June 13, 2014, the United States District Court for the District of
11 Nevada entered the order granting the United States' motion to seal and unseal (ECF No. 446) and the
12 Substitution and Forfeiture Order (ECF No. 447) authorizing the substitution and forfeiture of a 2003
13 General Motors Hummer 4 door wagon, yellow in color, Vehicle Identification Number
14 5GRGN23U13H132389, bearing Nevada license plate 970 LSV pursuant to Title 21, United States Code,
15 Section 853(p).

16 On June 30, 2014, the Federal Bureau of Investigation seized, arrested, and took into custody the
17 2003 General Motors Hummer 4 door wagon, yellow in color, Vehicle Identification Number
18 5GRGN23U13H132389, bearing Nevada license plate 970 LSV. Notice of Filing Service of Process
19 regarding 2003 General Motors Hummer - Take Into Custody, ECF No. 454. After the vehicle was taken
20 into custody and the United States filed the Notice of Filing Service of Process (ECF No. 454) showing
21 that the vehicle was taken into custody, the sealed motions and the Second Substitution and Forfeiture
22 Order were automatically unsealed per the Order granting the Motion to Seal and Unseal (ECF No. 446)
23 so that the proper parties could be served.

24 On July 22, 2014, Jeannie Sutherland was personally served with the United States of
25 America's Motion to File this Motion and the Second Motion to Substitute under Seal and Motion to
26 Unseal, the Second Motion to Substitute and to Forfeit Property of Jeannie Sutherland, the Second

1 Substitution and Forfeiture Order, and the Notice. Notice of Filing Service of Process regarding 2003
2 General Motors Hummer - Personal Service, ECF No. 460, p. 2-37.

3 On July 22, 2014, Dennis Heinrich was personally served with the United States of America's
4 Motion to File this Motion and the Second Motion to Substitute under Seal and Motion to Unseal, the
5 Second Motion to Substitute and to Forfeit Property of Jeannie Sutherland, the Second Substitution
6 and Forfeiture Order, and the Notice. Notice of Filing Service of Process regarding 2003 General
7 Motors Hummer - Personal Service, ECF No. 460, p. 38-73.

8 On July 23, 2014, the United States of America filed a Motion for an Interlocutory Order of Sale
9 of the 2003 General Motors Hummer and Order (ECF No. 461). On August 27, 2014, the United States
10 District Court for the District of Nevada entered the order granting the United States' motion (ECF No.
11 465).

12 This Court finds the United States of America published the notice of forfeiture in accordance
13 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
14 From August 21, 2014, through September 19, 2014, notifying all potential third parties of their right
15 to petition the Court. Notice of Filing Proof of Publication - Second Substitution, ECF No. 469.

16 This Court finds no other petitions were filed herein by or on behalf of any person or entity
17 and the time for filing such petitions and claims has expired.

18 This Court finds no petitions are pending with regard to the assets named herein and the time
19 for presenting such petitions has expired.

20 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
21 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
22 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
23 32.2(c)(2); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code,
24 Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code,
25 Section 853(n)(7) and (p) and shall be disposed of according to law:

26 . . .

1 1. Real property located at 9405 Shipboard Court, Las Vegas, Nevada 89117. The property
2 is more particularly described as follows:

3 Parcel I:

4 Lot One Hundred Twenty-Eight (128), in Block Four (4) of Mission Monterey Unit No. 2,
5 as shown by map thereof on file in Book 40 of Plats, Page 9, in the Office of the County
6 Recorder of Clark County, Nevada.

7 Parcel II:

8 A non-exclusive easement on and over the "Common Area" as defined in the Declaration of
9 Covenants, Conditions and Restrictions to which reference is hereafter made for access, use,
10 enjoyment, occupancy, ingress and egress of the amenities located hereon subject to the
11 terms and provisions of said Declaration of Covenants, Conditions and Restrictions recorded
12 January 20, 1987 in Book 870120 of Official Records, as Document No. 00088.

13 Together with any and all improvements and appurtenances thereon, Assessor's Parcel No.
14 163-07-813-014; and

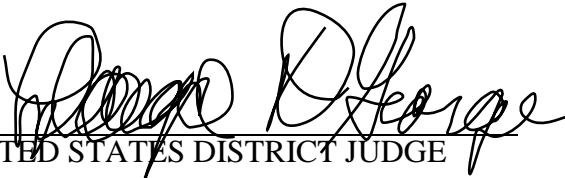
15 2. a 2003 General Motors Hummer 4 door wagon, yellow in color, Vehicle Identification
16 Number 5GRGN23U13H132389, bearing Nevada license plate 970 LSV.

17 which will be applied towards the criminal forfeiture money judgment of \$2,341,350 in United States
18 Currency.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
20 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
21 income derived as a result of the United States of America's management of any property forfeited
22 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

23 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
24 certified copies to the United States Attorney's Office.

25 DATED this 23 day of Oct, 2014.

26

UNITED STATES DISTRICT JUDGE